

EXHIBIT A

PETER N. DAVIS & ASSOCIATES

Ahmad L. Desoky, Esq.
Attorney ID# 002632007
100 Hamilton Plaza, Suite 420
Paterson, New Jersey 07505
(973) 279-7246
Attorney for Plaintiff
Our File No.: 207359

CARLOS J. LOPEZ-ESCOBAR,

Plaintiff,

vs.

**BJ'S WHOLESALE CLUB, INC. JOHN
DOE, JOHN DOES 2-10, ABC INC. 1-10
and XYZ CO. 1-10,**

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

Docket No.: BER-L-

Civil Action

**COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL COUNSEL,
AND CERTIFICATION**

The Plaintiff, Carlos J. Lopez-Escobar, residing at 258 East 21st Street, in the City of Paterson, County of Passaic, State of New Jersey, by way of Complaint against the Defendants, herein says:

FIRST COUNT

1. On or about March 20, 2020, the Plaintiff, Carlos J. Lopez-Escobar, was a business invitee at the location known as BJ's Wholesale Club, Inc., 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

2. On or about the same time and place, the Defendant, BJ's Wholesale Club, Inc., owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid premises, located at 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

3. On or about the same time and place, the Defendant, BJ's Wholesale Club, Inc., negligently and carelessly owned and/or operated and/or managed and/or maintained and/or

discharged their duty of care to the aforesaid premises, by allowing a dangerous condition to exist, namely a wet floor which in turn caused the Plaintiff to slip and fall.

4. As a direct and proximate result of the negligence of the Defendant, BJ's Wholesale Club, Inc. as aforesaid, the Plaintiff, Carlos J. Lopez-Escobar, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure his injuries, and has suffered a loss of income.

WHEREFORE, the Plaintiff, Carlos J. Lopez-Escobar, demands judgment for damages against Defendant, BJ's Wholesale Club, Inc., together with interest, costs of suit and attorney's fees.

SECOND COUNT

1. The Plaintiff, Carlos J. Lopez-Escobar, repeats each and every allegation of the First Count of the Complaint as if set forth at length herein.

2. On or about March 20, 2020, the Plaintiff, Carlos J. Lopez-Escobar, was a business invitee at the location known as BJ's Wholesale Club, Inc., 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

3. On or about the same time and place, the Defendant, John Doe, owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid premises, located at 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

4. On or about the same time and place, the Defendant, John Doe, negligently and carelessly owned and/or operated and/or managed and/or maintained and/or discharged his duty of care to the aforesaid premises, by allowing a dangerous condition to exist, namely a wet floor which in turn caused the Plaintiff to slip and fall.

5. As a direct and proximate result of the negligence of the Defendant, John Doe as aforesaid, the Plaintiff, Carlos J. Lopez-Escobar, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure his injuries, and has suffered a loss of income.

WHEREFORE, the Plaintiff, Carlos J. Lopez-Escobar, demands judgment for damages against Defendant, John Doe, together with interest, costs of suit and attorney's fees.

THIRD COUNT

1. The Plaintiff, Carlos J. Lopez-Escobar, repeats each and every allegation of the First and Second Counts of the Complaint as if set forth at length herein.

2. On or about March 20, 2020, the Plaintiff, Carlos J. Lopez-Escobar, was a business invitee at the location known as BJ's Wholesale Club, Inc., 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

3. On or about the same time and place, the Defendants, John Does 2-10, owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid premises, located at 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

4. On or about the same time and place, the Defendants, John Does 2-10, negligently and carelessly owned and/or operated and/or managed and/or maintained and/or discharged their duty of care to the aforesaid premises, by allowing a dangerous condition to exist, namely a wet floor which in turn caused the Plaintiff to slip and fall.

5. As a direct and proximate result of the negligence of the Defendants, John Does 2-10, as aforesaid, the Plaintiff, Carlos J. Lopez-Escobar, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure his injuries, and has suffered a loss of income.

WHEREFORE, the Plaintiff, Carlos J. Lopez-Escobar, demands judgment for damages against Defendants, John Does 2-10, together with interest, costs of suit and attorney's fees.

FOURTH COUNT

1. The Plaintiff, Carlos J. Lopez-Escobar, repeats each and every allegation of the First,

Second and Third Counts of the Complaint as if set forth at length herein.

2. On or about March 20, 2020, the Plaintiff, Carlos J. Lopez-Escobar, was a business invitee at the location known as BJ's Wholesale Club, Inc., 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

3. On or about the same time and place, the Defendants, ABC Inc. 1-10, owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid premises, located at 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

4. On or about the same time and place, the Defendants, ABC Inc. 1-10, negligently and carelessly owned and/or operated and/or managed and/or maintained and/or discharged their duty of care to the aforesaid premises, by allowing a dangerous condition to exist, namely a wet floor which in turn caused the Plaintiff to slip and fall.

5. As a direct and proximate result of the negligence of the Defendants, ABC Inc. 1-10, as aforesaid, the Plaintiff, Carlos J. Lopez-Escobar, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure his injuries, and has suffered a loss of income.

WHEREFORE, the Plaintiff, Carlos J. Lopez-Escobar, demands judgment for damages against Defendants, ABC Inc. 1-10, together with interest, costs of suit and attorney's fees.

FIFTH COUNT

1. The Plaintiff, Carlos J. Lopez-Escobar, repeats each and every allegation of the First, Second, Third, and Fourth Counts of the Complaint as set forth at length herein.

2. On or about March 20, 2020, the Plaintiff, Carlos J. Lopez-Escobar, was a business invitee at the location known as BJ's Wholesale Club, Inc., 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

3. On or about the same time and place, the Defendants, XYZ Co. 1-10, owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid

premises, located at 300 Route 17, in the Borough of East Rutherford, County of Bergen, State of New Jersey.

4. On or about the same time and place, the Defendants, XYZ Co. 1-10, negligently and carelessly owned and/or operated and/or managed and/or maintained and/or discharged their duty of care to the aforesaid premises, by allowing a dangerous condition to exist, namely a wet floor which in turn caused the Plaintiff to slip and fall.

5. As a direct and proximate result of the negligence of the Defendants, XYZ Co. 1-10, as aforesaid, the Plaintiff, Carlos J. Lopez-Escobar, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure his injuries, and has suffered a loss of income.

WHEREFORE, the Plaintiff, Carlos J. Lopez-Escobar, demands judgment for damages against Defendants, XYZ Co. 1-10, together with interest, costs of suit and attorney's fees.

PETER N. DAVIS & ASSOCIATES, LLC
Attorneys for Plaintiffs

BY:


AHMAD L. DESOKY, ESQ.

Dated: February 14, 2022

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues so triable.

DESIGNATION OF TRIAL COUNSEL

The undersigned hereby designates **NICHOLAS BARONE, ESQ.** as trial counsel in the above captioned action.

CERTIFICATION PURSUANT TO R.4:5-1

The undersigned attorney for plaintiff(s) hereby certify as follows:

1. The within action is not the subject of any other action pending in any court or a pending arbitration proceeding.
2. No other action or arbitration proceeding is contemplated.
3. There are no other parties known to me who should be joined in this action.
4. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

PETER N. DAVIS & ASSOCIATES, LLC
Attorneys for Plaintiff(s)

DATED: February 14, 2022

BY:



AHMAD L. DESOKY, ESQ.

EXHIBIT B



John M. McConnell | Partner
Direct 609.986.1326 | jmccconnell@goldbergsegalla.com

February 16, 2022

BY EMAIL ADESOKY@PETERDAVISLAW.COM

Ahmad L. Desoky, Esq.
Peter N. Davis & Associates
100 Hamilton Plaza, Suite 420
Paterson, NJ 07505

**Re: Carlos J. Lopez-Escobar v. BJ's Wholesale Club, Inc.
Docket No.:BER-L-874-22**

Dear Ahmad,

Please be advised we represent Defendant named as BJ's Wholesale Club, Inc. Enclosed please find a Stipulation to Limit Damages. If your client does not sign and return this to us by February 18, 2022 at 12:00PM, we will have no choice but to remove this matter to the Federal Court immediately thereafter. Thank you very much.

Sincerely,

s/ John M. McConnell
John M. McConnell, Esq.

JMM:ks
Enclosure

Please send mail to our scanning center at: PO Box 580, Buffalo NY 14201

John M. McConnell, Esq. [#028152006]

Goldberg Segalla LLP

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301 Carnegie Center, Suite 200

Princeton, NJ 08540

609.986.1300

609.986.1301 (fax)

CARLOS J. LOPEZ-ESCOBAR,

Plaintiff(s),

v.

BJ'S WHOLESALE CLUB, INC., JOHN
DOE, JOHN DOES 2-10, ABC INC. 1-10 and
XYZ CO. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L00874-22

STIPULATION TO LIMIT DAMAGES

Plaintiff Carlos J. Lopez-Escobar (hereinafter referred to as "Plaintiff") and Defendant BJ's Wholesale Club, Inc. hereby understand and agree to the following:

1. Defendant BJ's Wholesale Club, Inc. has the right, pursuant to 28 U.S.C. § 1441 to remove the above captioned matter to Federal Court;
2. Defendant BJ's Wholesale Club, Inc. is willing to forego this right in exchange for the agreement of Plaintiff to limit the damages which Plaintiff is entitled to recover in the above captioned matter, if any; and
3. In reliance upon the express agreement of Plaintiff and Defendant BJ's Wholesale Club, Inc. to the limitation of damages set forth herein, Defendant BJ's Wholesale Club, Inc. will agree not to exercise its right to remove the above captioned matter to the Federal Court.

Therefore, on this _____ day of _____ 2022, Plaintiff and Defendant BJ's Wholesale Club, Inc. hereby stipulate and agree that the full amount and/or value of any and all damages (including interest, fees and costs) to which Plaintiff may be entitled in the above captioned matter shall not exceed seventy-five thousand dollars and zero cents (\$75,000.00).

PETER N. DAVIS & ASSOCIATES

GOLDBERG SEGALLA, LLP

AHMAD L. DESOKY, ESQ.
Attorneys for Plaintiff Carlos J. Lopez-Escobar

JOHN MCCONNELL, ESQ.
Attorneys for Defendant BJ's Wholesale Club, Inc.

Date: February __, 2022

Date: February __, 2022

EXHIBIT C



John M. McConnell | Partner
Direct 609.986.1326 | jmcconnell@goldbergsegalla.com

February 22, 2022

BY REGULAR MAIL

Ahmad L. Desoky, Esq.
Peter N. Davis & Associates
100 Hamilton Plaza, Suite 420
Paterson, NJ 07505

**Re: Carlos J. Lopez-Escobar v. BJ's Wholesale Club, Inc.
Docket No.:BER-L-874-22**

Dear Ahmad,

It was a pleasure speaking with you on February 16, 2022. Please let this letter confirm that pursuant to our conversation, you advised that your client would not be signing a Stipulation to Limit Damages to \$75,000. If any of the above is incorrect or you have any questions please let me know immediately. Thank you very much.

Sincerely,

s/ John M. McConnell
John M. McConnell, Esq.

JMM:ks

Please send mail to our scanning center at: PO Box 580, Buffalo NY 14201